

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed on July 9, 2009. Claim 1 has been amended. Claims 2, 7 and 17 have been canceled. Claim 18 has been added. Claims 1, 3-6, 8-16 and 18 are pending. Reconsideration of the present application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 1, 3-6, 8-14 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brehmeier-Flick et al. (US 6,083,174) in view of Jeffries et al. (US 6,093,656).

The carrier of the present invention is disclosed, in the specification, including, for example, page 4, lines 29-30 and, for example, the drawings, including Fig. 1, as being formed as a substantially planar carrier. Thereafter, for example, at the time of implantation, the carrier is bendable from the planar shape to a shape wherein the carrier is arranged at an angle from 60° to 120° relative to the plane in which the coil windings of the inductive coil are arranged. Such a structure is not taught or suggested by either Brehmeier-Flick or Jeffries. In Brehmeier-Flick the cranial measuring system is placed on top of the outer surface of the skull to measure the cranial pressure through a bore drilled through the skull. Thus, at most the sensor assembly is curved to conform to the outer surface of the skull. But Brehmeier-Flick's sensor assembly is not bendable from a planar shape to a shape wherein the carrier is arranged at an angle from 60° to 120° relative to the plane in which the coil windings of the inductive coil are arranged. Applicant's further maintain that Brehmeier-Flick teaches away from providing a sensor assembly that it is bendable as recited because such a structure would not conform to the outer surface of the skull.

Claims 2 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brehmeier-Flick in view of Jeffries as applied to claim 1 above, and further in view of Ko et al. US 4,519,401. The Examiner is relying on Ko for the teaching of a pressure sensing implant where the pressure sensing implant is arranged

at an angle of about 80° to measure ventricular pressure and provide the best operation of the telemetry unit.

Applicant's respectfully disagree for the reasons presented above. The claims now require that the carrier is initially in a substantially planar shape and is thereafter bendable to a shape arranged at an angle from 60° to 120° relative to the plane in which the coil windings of the inductive coil are arranged. As such, Applicant's maintain that Brehmeier-Flick teaches away from providing a sensor assembly that it is bendable as recited because such a structure would not conform to the outer surface of the skull. Brehmeier-Flick states that "This way, the hole to be drilled into the top of the skull can be of a smaller diameter than before. Furthermore, only a very small cut of the skin is required because the foil 3, with the sensor element 1 and the telemetry unit 2 arranged on top, is very narrow." Clearly, Brehmeier-Flick is concerned about maintaining the size of the bore through the skull as small as possible as well as maintaining the size of the sensor assembly as small as possible as well. Thus, providing a sensor assembly that is bendable would require the sensor assembly to be disposed within the bore in the skull thereby increasing the size of the bore. Therefore, Brehmeier-Flick teaches away from providing a sensor assembly that is bendable as recited in the present claims.

Applicant respectfully requests that an early and favorable action on the merits be issued in this case.

Respectfully submitted,

By: /Eugene L. Szczecina, Jr./
Eugene L. Szczecina, Jr.
Reg. No. 35,029

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1479
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